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to sell liquors shall pay all damages that individuals may sustain in consequence of such traffic, an action was brought by a wife against a saloonkeeper, for having induced habitual drunkenness in a previously sober and industrious husband. The defendant had retired from the business several months previous to the bringing of the action. *Held*, that the defendant was liable for the husband's consequent dissipated career, although he had ceased to furnish the husband with liquors.

The weight of authority is against this view because of the remoteness of the cause. Damages are recoverable only where the injury is caused proximately by the sale. *Barks v. Woodruff*, 12 Ill. App. 96. The continuance of the habit should not be considered a natural and proximate consequence. Although the injury—failure to support—results from a general besotted condition rather than from any single intoxication, yet those who have in the past contributed to the condition cannot, we believe, justly be held liable along with those causing the present continuing condition.

INTOXICATING LIQUORS—DELIVERY BY COMMON CARRIER, C. O. D.—NECESSITY FOR LICENSE.—*U. S. v. ADAMS EXPRESS CO.*, 119 FED. 240.—A common carrier having delivered a quantity of liquor in Iowa and having collected the price of the same for an Illinois vendor, was indicted for selling without a license in Iowa. *Held*, there had been no sale in Iowa.

The courts are in conflict on this point, the difference of opinion being upon the question as to when the title passes from the vendor. In *State v. O'Neil*, 58 Vt. 140, such a sale, C. O. D., was regarded as one upon condition subsequent, the title passing only upon payment to the carrier as agent of the vendor. This decision was reaffirmed by the Supreme Court, three justices dissenting, in *O'Neil v. Vermont*, 144 U. S. 323. The majority of decisions support this view, and under it, the carrier's liability seems unquestioned. See *U. S. v. Shriner*, 23 Fed. 134, and 12 *Yale Law Jour.* 165. The opposite view, held in the present case, viz.: that the title passed when the carrier received the goods, is sanctioned by the American note in *Benj. on Sales*, book ii, chap. iii. But it appears that unless the goods are sent C. O. D. the carrier ought in no case to be liable, for an unconditional delivery to a carrier passes the title to the vendee. *Stanton v. Eager*, 16 Pick. 467; *Whiting v. Farrand*, 1 Conn. 60.

LIBEL—NEWSPAPER CORPORATION—MALICE OF REPORTER—PUNITIVE DAMAGES.—*GIFFORD v. PRESS PUB. CO.*, 79 N. Y. SUPP. 767.—*Held*, that in a libel suit against a newspaper corporation, evidence of the express malice of a reporter is admissible for the purpose of recovering punitive damages. *Ingraham, J., dissenting.*

There is no authority on either side of this question in New York, and but little elsewhere. Exemplary damages on account of the express malice of its agents have frequently been allowed against railway corporations, however. *Ry. Co. v. Prentice*, 147 U. S. 101; *Elliott, Pri. Corp.*, p. 235, note 4; *Sedg., Dam. sec. 377*, note (d). But the analogy should not be extended to libel suits. *Samuel v. Evening Mail Ass'n*, 9 Hun. 294. It has been said that the granting of punitive damages is an anomaly in a purely civil suit and should never be allowed except for an actual wrong, and that therefore a corporation which was guilty of no fault in the selection of its agents should not be held; *Mor., Pri. Corp. sec. 728*; and this result, at least in the

case of newspaper corporations, was reached in *Detroit Daily Post Co. v. McArthur*, 16 Mich. 447; *Haines v. Schultz*, 50 N. J. L. 481; *Eviston v. Cramer*, 57 Wis. 570. Where a corporation is held, it is on the ground of public policy, *Mor., Pri. Corp.* sec. 729, and cases. Of the cases directly in point, in *Bruce v. Reed*, 104 Pa. 408, evidence of the express malice of a reporter was admitted for the purpose of recovering exemplary damages from a corporation, but similar evidence for the same purpose was excluded in *Robertson v. Wyldé*, 2 Moody & R. 101.

MUNICIPAL CORPORATIONS—MUNICIPAL OWNERSHIP OF PUBLIC UTILITIES—DEALING IN FUEL.—IN RE MUNICIPAL FUEL PLANTS, 66 N. E. 25 (MASS.).—*Held*, where there is a scarcity in the supply of fuel, falling short of a famine, but yet so great as to create widespread and general distress in the community, so that persons desiring to purchase are unable to supply themselves through private enterprise, municipalities may be authorized by the legislature to establish plants for the sale of fuel. Loring, J., *dissenting*.

This same matter was considered in *Opinion of the Justices*, 155 Mass. 601, where it was held that the purchase by a municipality of coal or wood as fuel and the resale thereof to its citizens, is not, under ordinary circumstances, a public service which can be authorized by the legislature. But Holmes, J., *dissenting*, said: "When money is taken to enable a public body to offer to the public, without discrimination, an article of general public necessity, the purpose is no less public when the article is wood or coal than when it is water, gas, electricity, education, etc." No other court has passed upon the exact question. But municipal ownership of water and lighting plants has been generally upheld. 29 *Am. & Eng. Enc. Law* 2; *Crawfordsville v. Braden*, 130 Ind. 149.

MUNICIPAL CORPORATIONS—LIABILITY FOR PROPERTY DESTROYED BY MOB.—CHICAGO V. PENNSYLVANIA CO., 119 FED. 497.—Mobs within the city limits destroyed property which was being protected by the military forces of the State and of the U. S. *Held*, that under a statute imposing liability for property destroyed by mobs, the city was liable.

The principle of making the city or county responsible for property destroyed by mobs is very old. As early as 1285 Parliament provided a remedy against the hundred, county, etc., in cases of robbery and murder. 13 Edw. I. This liability was extended to damage from mobs in the famous Riot Act of 1 George I. Responsibility is not removed because the State and national authorities are assisting in protecting the property. The fact that the State sends troops does not absolve the city from its obligation to preserve the peace. *Allegheny v. Gibson*, 90 Pa. St. 397.

STREET RAILWAYS—CONSENT OF ABUTTING OWNERS—CONTRACT TO PURCHASE.—HAMILTON, ETC., TRACTION CO. V. PARISH, 65 N. E. 1011 (OHIO).—*Held*, that a contract purchasing the consent of an owner of lots abutting on a street, to the construction of a street railroad on such street is valid and not opposed to public policy.

The only decision on this exact question is directly opposed to the present holding. *Doane v. Chicago City R. R. Co.*, 160 Ill. 22. But the general tendency of courts seems to be to construe statutes requiring the consent of abutting land-owners to the construction of street railroads,